IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 4604 OF 2005

Bharat Kumar Raut & Ors ...Applicants

Versus

The State of Maharashtra & Ors ...Respondents

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Mr. S.S. Parab, Advocate for Applicants.
Mr. A.D. Angal, Advocate for Respondent No.2.
Mr. Rajesh More, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 26TH JULY, 2005

P. C.:-

1. Heard the learned advocate for the applicants, the learned advocate for the respondent No.2 i.e. original complainant and the learned A.P.P. for the State.

2. The applicants have prayed for quashing of process issued against them in Criminal Case No. 168/SS/2005 which is pending in the Court of learned Additional Chief Metropolitan Magistrate, 5th Court at Dadar. In the said case, process has been issued against the applicants under Section 500, 501 and 504 r.w. 114 and 34 of I.P.C.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in

Criminal Application No.550 of 2005, the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicants prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer revision before the concerned Sessions Court. The learned advocate for the applicants states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today. The learned advocate for the respondent i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Office to issue an authenticated copy of this order to the parties.

7. Application is disposed of.

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